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OFFICE OF PETITIONS

In re Application of	:	
Ron Campbell Allen et al.	:	
Application No. 09/583,958	:	ON PETITION
Filed: May 31,2000	:	
Attorney Docket No. AUS920000254US1	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 11, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely reply to the final Office action mailed November 30, 2004, which set a shortened statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on February 28, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(II)(C) and (D). The renewed petition lacks item (3).

The petition decision mailed August 15, 2007 explained in detail how the petition filed October 24, 2006 failed to show to the satisfaction of the Director that the entire delay in filing the petition was unintentional. The instant renewed petition fails to address this issue and thus as noted above, item (3) is missing. Any further renewed petition that lacks the requirement of item (3) above may be construed as an intentional delay in reviving the above-identified application. Any such intentional delay may preclude the granting of a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b).


Further correspondence with respect to this matter should be addressed as follows:

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By hand: U. S. Patent and Trademark Office
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The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the Carl Friedman at (571) 272-6842.


David Buccini
Petitions Examiner
Office of Petitions